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THE METHODIST EPISCOPAL CHURCH SOUTH.

SPEECH

OF

HON. WM. B. BATE,

OF TENNESSEE,

IN THE

SENATE OF THE UNITED STATES,

Tuesday, March 8, 1898.

WASHINGTON.
1898.

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Mr. W. A. Smith

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SPEECH

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The Senate, as in Committee of the Whole, having under consideration the bill (H. R. 4829) for the relief of the Book Agents of the Methodist Episcopal Church South—

Mr. BATE said:

Mr. PRESIDENT: It is not my purpose to go into any lengthy discussion of this matter. The point at issue just now, as I understand, is whether the Senate will send this claim to the Court of Claims.

Perhaps we had better understand the situation before we give our votes. I understand that this particular claim has some four or five times been passed upon by the committees of the House favorably; that it has been passed upon favorably, except in one instance an adverse report was made in the Senate some twenty-five years ago. There was a report some twenty years ago by the Senator from Colorado [Mr. TELLER] and another report by the Senator from Alabama [Mr. MORGAN], both of whom are still here as Senators. One report was favorable and the other unfavorable; it was a minority report perhaps by the Senator from Alabama to that report.

Mr. MORGAN. I made the majority report.

Mr. BATE. The Senator from Alabama made the majority report. I stand corrected.

It is true, as stated by the Senator from Connecticut [Mr. PLATT], that there has been a bill or resolution passed here once or twice directing the claim to be sent to the Court of Claims. Remember, sir, this church has been struggling now for more than twenty-five years for the purpose of securing this claim, which they regard as a just one and not a gratuity, as has been said by the Senator from Connecticut. It is not a gratuity at all.

Those in favor of this bill, and those gentlemen who are promoting the measure and who are really the parties interested in it at home—the Methodists, as a church—hold that it is an obligation which the United States owes them and should long since have been paid. They were modest about presenting it for four or five years, but when it came to be understood, as has been so well said by the Senator from Massachusetts [Mr. HOAR], that there was an appreciation of the charity and liberal sentiment that was going on in this country, Congress changed its idea and now recognizes what might be termed international law, that all institutions of an educational and charitable nature shall be free from occupation by any hostile army that should make an incursion upon the territory of any Government in a civilized country.

In other words, it is an appreciation of that as a doctrine of civilized warfare; and hence the idea that prevailed at the time reports were made by the Senators from Colorado and Alabama

has changed, as has been shown to you by the Senator from Massachusetts.

I think that the same principle was approved during the war by Mr. Lincoln himself. I find in looking over the records of this bill that there was an order known as Order No. 100. They show that—

Under Order No. 100, prepared with great care by Francis Lieber, LL. D., revised by a board of officers, of which Maj. Gen. E. A. Hitchcock was president, approved by President Lincoln, and promulgated by the Adjutant-General on the 24th of April, 1863—

Which was prior to this transaction—

"the property belonging to churches"—

"Churches," mark you, is the word used in this very order, this Order No. 100, which was approved by Mr. Lincoln, showing that they then appreciated civilized warfare just as has been described by the Senator from Massachusetts. This order provided that—

"the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character; establishments of education or foundations for the promotion of knowledge, whether public schools, universities, academies of learning, museums of the fine arts, or of a scientific character," was exempt from the hostilities of war.

Then there should have been no seizure of this church property. But I am not going into that branch of it, except to say that it is decided by our courts that a corporation is not a subject of confiscation, and this publishing house was a corporation.

The Senator from Connecticut has already spoken of and presented the charter. It is a chartered institution, and as such under the laws of this country, as was decided by our Supreme Court, growing out, if I recollect aright, of the order of General Butler in New Orleans in the case of the bark *Venice*, that after an order was issued, such an order as was issued in this instance by General Buell, giving protection to property, such property could not be taken charge of and confiscated. The courts have decided that property of corporations is not confiscable at all, and this publishing house being a corporation, its property was not confiscable.

When General Buell gave his order, he gave that which, in this regard, might be considered a pioneer order. If there was any other similar order during our war, prior to the one referred to given by General Buell, I am not aware of it. I want to say in this connection, parenthetically, that it had more vital effect there upon those with whom I was associated as Confederates than any other military order issued. No battle was ever fought upon our Tennessee soil, and there were many fought there—Shiloh, Stone River, Murfreesboro, and Franklin, and all those mighty battles—yet, sir, I say no battle was ever fought there that gave the moral force to the Union cause that this order issued by Don Carlos Buell gave.

It came at an early time, and it was the first, the pioneer, of such military orders. It came at an early time, when our people were alarmed, when almost the whole country was Confederate in sentiment. When he issued it, our people at home, old and young, were full of antagonism toward the Federal Army and avoided it, many of our men going off to join the Confederate army who did not intend going before, because of the presence of the Federals; but when this order came from Buell it induced our people to believe that there would be protection to their property and to their persons.

It allayed to a great extent that excitement and softened that antagonism which had before existed. As I said, it was the most powerful battle, if I may so speak of this order, that was fought for the Federal side. Permit me to read a few lines from the order, if you please, just here. I read the extract, but not in full. February 26, 1862, General Buell issued a proclamation, in which, among other things, he said:

> We are in arms not for the purpose of invading the rights of our fellow-countrymen anywhere, but to maintain the Union and protect the Constitution. * * * Peaceable citizens are not to be molested in their personal property; all wrongs to either are to be promptly corrected, and the offenders brought to punishment, etc. If the necessities of the public service require the use of private property for public purposes, compensation is to be allowed, etc.

That was the first order of the kind. It was a direct announcement of the doctrine spoken of by the Senator from Massachusetts, and laid down by the approval of Mr. Lincoln in Order No. 100. It went to the Army and it enlightened our people upon this subject. I repeat, if I have been correctly informed by those who were at that time in that part of our State, if there was any one thing that had a tendency to paralyze the Confederate arms in Tennessee and to exert a happy influence upon the Federal cause in that part of the State where I live—and Nashville, where all this occurred, is my home—it was that very order. You find in some of their applications for loss of property here now they set forth that order of General Buell.

Mr. CULLOM. Have you the Lincoln order there?

Mr. BATE. Yes, sir; I have the Lincoln order. Shall I read it?

Mr. CULLOM. I should like to hear it.

Mr. BATE. I thank the Senator from Illinois for the suggestion. I will read it.

The order was prepared by Francis Lieber, LL. D., and was approved by Mr. Lincoln.

Here is the order:

> The property belonging to churches, to hospitals, or other establishments of an exclusively charitable character; establishments of education or foundations for the promotion of knowledge, whether public schools, universities, academies of learning, museums of fine arts, or of a scientific character—

was exempt from hostilities of war.

Then the order of General Buell of which I have spoken was exactly upon that line, and that is in the line followed by all civilized nations respecting their schools, their hospitals, and all other eleemosynary institutions or institutions of learning. Mr. Lincoln took that ground even when the clouds of prejudice were thick upon us. When passion prevailed and governed, this was overlooked, but when the mists of prejudices were wafted away and clear sunlight presented itself to the Congress and the country it was recognized.

As the Senator from Massachusetts [Mr. HOAR] has said, when better times came we looked upon these matters in a different light, and such claims as this were favorably reported and considered.

I want to say a word especially for the benefit of the Senator from Connecticut [Mr. PLATT], who seemed to think that passing this bill would be a sort of innovation, that we have in the Senate set examples and precedents of this kind time and again. I will read a few of them. I am not speaking of the claims now which were paid by the War Department, for there were quite a number of claims paid by the War Department to institutions of this

kind, but those paid directly by Congress precisely as the bill now pending proposes to do. Here are some of them:

Kentucky University at Lexington, Ky., use, occupation, and injury	$25,000.00
Kentucky Agricultural and Mechanical Association, use, occupation, and injury	25,000.00
East Tennessee University, use, occupation, and injury	18,500.00
University of Alabama, for loss of building by fire during military operations, 46,080 acres of public land to be applied to the erection of suitable buildings.	
William and Mary College, of Virginia, destroyed by fire immediately after a conflict between the Union and Confederate forces.	64,000.00
Washington and Lee University, injury to building, apparatus, and libraries by soldiers without authority	17,848.00
Protestant Episcopal Theological Seminary, Alexandria, Va., use, occupation, and injury	20,000.00
Roman Catholic Church of Charles County, Md., use, occupation, and injury	4,035.50
Roman Catholic Church at Chattanooga, Tenn., for use and injury	18,729.09

Then there was the case of William S. Grant, of Portland, Me. Permit me to say that the present occupant of the chair [Mr. FRYE] was the Senator who had charge of this claim. Let me read it, if you please, to show what the amount is, what it is for; and I especially invite the attention of the Senator from Connecticut to this case:

William S. Grant, Portland, Me., cost of supplies	$19,517.74
Cost of oxen, horses, wagons, etc., captured in transportation	22,562.90
Transportation to place of capture	35,969.14
	77,989.78

What is the history of that claim? You all voted for it, and it was passed at a recent date—not two weeks since.

In a number of these cases the United States Government derived but a limited benefit; in others, none at all. Take, for example, the claim of W. S. Grant—

Which I have just referred to—

This was a case where Grant had contracted to deliver certain supplies to the Federal troops in Arizona. They were captured in Texas en route between the port of Lavaca and Arizona. The Confederacy was the beneficiary of this capture, and yet Congress within the last ten days has passed a bill directing the payment of $77,989.38 to Mr. Grant.

Remember that in that case the Confederacy was the beneficiary of the capture; and, of course, in the case of this book concern the Government got the benefit of it. The other was the case of a Maine man going, I believe, from Corpus Christi to some place in Arizona whose oxen, horses, and teams were captured. Who got the benefit of them? The Confederate government. This is the history of it. The Government of the United States paid him the other day $77,989.78. This case is not at all so meritorious as ours, because the United States Government did get the benefit of the property of the Methodist book concern, but not the property of Mr. Grant.

Let me read to you what was said by one of the adjutants of General Thomas, and we must respect his opinion. He was Lieutenant-Colonel Wills, brevet colonel and assistant quartermaster. I mean to read, instead of commenting upon it, to show the fact that the Government got a quid pro quo, at least $288,000. He is a man, mark you, who was on the staff of General Thomas. General Thomas issued an order in December, 1863. Pardon me when I say that the process for confiscation of this publishing house was then going on.

The property had been libeled as early as May, 1862, but this order of General Thomas was given in December, 1863. As I have said, the property had been libeled and in process of confiscation,

the pleadings were adjusted, the demurrers and pleas all made in the United States court. There was a United States attorney there, too, yet the Senator from Connecticut said that in this matter there was no representative of the Government. It is a matter of record that the United States did make application for the confiscation in the United States court at Nashville, Tenn., in the court held by Judges Catron and Trigg.

The case remained there until November, 1865, when it was dismissed, which dismissal evidenced that it was nonconfiscable and had been wrongfully seized.

General Thomas issued an order, however, as I said, in December, 1863, to take possession of this property and use it as a printing office for the Army. He based the order upon the fact that the property had been confiscated, when in point of fact it was only in process of confiscation and there had been no judgment and no decree, and appointed his own staff officer, Major Wills, to take charge of it.

He went there, and they had no chance to move anything, for the property was taken upon three hours' notice. The officer who took charge under General Thomas's order fortunately lives and was recently appointed postmaster in a city in my State, where he lives yet. He took charge of the property, saw its condition, the condition of the machinery, of the papers, the books, the bindery, and everything connected with the establishment, and it was a large establishment. The proofs show it was a large building, a part of it seven stories high; that it fronted 80 feet on the public square and 120 feet on another street, being the most valuable property in the city, and that it was more than 200 feet deep and was filled with material and machinery. There was some valuable iron machinery, as shown by the record, which was removed and virtually destroyed.

Mr. ALLISON. What was the date of General Thomas's order?

Mr. BATE. I will give you the date: December 13, 1863.

Mr. CULLOM. That is the letter of Colonel Wills?

Mr. BATE. Yes. The letter of Colonel Wills, which I am about to read, was dated December 27, 1897. He had given an affidavit to the same effect in 1872. He says:

> I do not hesitate to reiterate that the saving to the United States Government through the use of this publishing house, for the purpose stated, was very large—in fact, immense.
>
> It should be borne in mind that the force with which I was called upon to operate this publishing house was composed largely of soldiers detailed from the service, and it is therefore not surprising that serious damage should have resulted in hurriedly handling such a large plant and fine machinery with comparatively raw and inexperienced men.
>
> I am informed that a bill for the relief of this publishing house is now pending; and while I considered the claim for the amount originally presented—to wit, $457,150—as large, I am fully persuaded that the sum of $288,000—

That is the sum named here—

> agreed upon by the several committees of Congress, is not excessive, and that compensation in this sum ought not to be longer withheld.

There you have the statement of the officer who had charge of the matter. I have here also the statement of Mr. Abbey, the secretary and financial agent. The point has been made here that there were no loyal men interested in this institution. Mr. Abbey was known to be a loyal man, and what does he say? He is the man who had charge of the whole business until seized by military order, and I have his statement here. It is clear and conclusive, and can be read by any Senator who may desire to do so. Mr. Abbey was the agent of the Book Agents of the Methodist Episcopal Church South. He was a loyal man from the beginning—a Union man.

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I say further, I have here, but will not detain the Senate by reading it, the report or rather the statement of the committee which looked after this interest for the church, they being members of the local Methodist Church. Dr. William H. Morgan as chairman submitted it, along with Judge E. H. East and Judge James Whitworth. All these were then, as they are now, citizens of Nashville, whose loyalty to the Federal Government was not questioned. Dr. Morgan is one of the most eminent of his profession. Judge Whitworth for years had charge of the county finances, and conducted them with utmost good faith and success. Judge E. H. East was loyal enough to be the private, confidential secretary of Andrew Johnson while military governor of Tennessee, and also while President of the United States. He was chancellor of the district, and a most worthy, conscientious, Christian gentleman he is.

Nashville is my home, Mr. President, and I personally know these gentlemen. Hence I take the liberty of making these personal allusions.

Mr. HOAR. Will the Senator state to the Senate as to the prevalence of people belonging to the Northern Methodist Church in East Tennessee?

Mr. BATE. My understanding is, as the Senator from Massachusetts wants my understanding, that two-thirds, and probably three-fourths, of all those in East Tennessee belong to the Northern Methodist Church, but there are numbers also there who belong to the Southern Methodist Church; in other parts of the State it is the reverse, but in the city where I live they have a Northern Methodist Church, and so in all the other cities of Middle and West Tennessee.

I want to say in this connection that this fund is to be distributed to all alike, to the Northern Church and the Southern Church, to the Republicans and Democrats and Populists and Prohibitionists—all are treated alike. It goes to the poor, broken-down, superannuated Methodist preachers; and it can not be diverted into any other channel, because the organic law of the church forbids it.

Mr. TILLMAN. Before the Senator takes his seat I should like him to tell us what he knows about the disposition of this money, and whether the attorneys are to get any of it.

Mr. BATE. I take pleasure in saying that as I heard such a rumor whispered around yesterday or the day before, I received a dispatch, as also did the chairman of the subcommittee of the Committee on Claims, from Barbee and Smith, who are the head of the concern, stating that there was not a word of truth in the statement that the fund was to be diverted in any such way. A great deal of work has been done about this case, but this is a grand, great church, and the country is full of sympathy for it; and men of intelligence want to see this church sustained; and they think the claim a proper and just one, and that it should be paid.

Mr. TILLMAN. Then the money is to go to the church, and not to attorneys?

Mr. BATE. It is to go to the church, and it is to become a part of the plant, if I may so speak, and the proceeds of it are to be given over to these unfortunate preachers. That is the way of it.

Now, Mr. President, I am just upon the threshold of the facts in this case, for they are numerous; but the hour is late and I do not want to detain the Senate, and we want to get a vote this evening. If, however, there is any question desired to be asked by any Senator, I will take pleasure in answering it; otherwise I propose to now leave the matter to the Senate.

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